

Remarks

Claims 7-8 are pending. Claim 7 is amended.

Applicant requests that the Amendment dated 7/12/01 be entered to correct the continuity information.

Claims 7-8 are rejected under 35 U.S.C. 102(e) over U.S. Patent 5,742,667 (Smith). It is important to understand the difference between *toll* charges and *business service* charges incurred on a call. Toll charges are the charges that the *telephone network* charges for the *connection* to the called party. (See Smith, column 3, lines 25-30 and lines 61-62). On a typical long distance call, the calling party pays the toll charge for the connection, so the call is not toll-free. On an 800 call, the called party pays the toll charge for the connection, so the call is toll-free to the calling party. All 800 calls are toll-free to the calling party – meaning that the called party pays for the *connection*.

Even on a toll-free call, the called party may still charge the calling party for *business services* provided by the called party. For example, a phone sex service could pay the *toll* charge for the connection, but they could still charge the calling party for the *business service* (i.e. phone sex). A business service charge is *not* a toll charge.

The determination if business service charges apply on a call is *not* a determination if the call is toll-free. In Smith, Action Block 202 does *not* determine if the call is toll-free, but rather, block 202 determines if business service charges apply. In Smith, all calls are toll-free. (See Smith, column 3, lines 61-63; and Figure 2, action block 200)

On these *toll-free* calls, Smith determines if the called party may still charge the calling party for *business services* in Action Block 202. If the called party will charge the calling party for business services, then the calling party line is screened to determine how the call should be handled in Action Block 210. (See Smith, column 4, lines 20-26). *Thus, Smith clearly teaches screening the calling party on toll free calls.* Even if no business charges apply, Smith teaches using “normal call processing” for the toll-free calls, which entails caller validation in prior systems. (See Figure 2, Action Blocks 204 and 206).

Claim 7 requires determining “if the called telephone number is a toll-free number” ... and “if the called telephone number is the toll-free number, then processing

the called telephone number to select the route for the call *without checking the caller telephone number in the validation table.*" For toll-free calls, claim 7 clearly requires selecting the route *without* validating the caller number. In contrast, *Smith clearly teaches screening the caller on toll free calls.* This is a clear distinction that undermines the rejection, and the rejection should be withdrawn. Applicant respectfully requests allowance of claims 7-8.


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